

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FREDERICK LEE STEESE,

Plaintiff,

v.

CITY OF NORTH LAS VEGAS;  
CLARK COUNTY, NEVADA,

Defendants.

Case No. 2:15-cv-01243-RFB-GWF

**ORDER**

Before the Court are three Motions to Dismiss, one filed by Defendant Clark County and two filed by Defendant City of North Las Vegas. ECF Nos. 8, 10, 19. Also before the Court is a Motion for Summary Judgment filed by the City of North Las Vegas. ECF No. 22.

Clark County's Motion to Dismiss was filed on November 16, 2015. ECF No. 8. The Certificate of Electronic Service states that an employee of the Clark County District Attorney e-mailed a copy of the motion to Plaintiff Frederick Lee Steese at fredericksteese@yahoo.com, the e-mail address Steese listed on his complaint. *Id.* at 6. The City of North Las Vegas's first Motion to Dismiss was filed on November 17, 2015. ECF No. 10. The Certificate of Service states that an employee of the North Las Vegas City Attorney's Office mailed the motion by first-class mail, postage prepaid, to Steese at the address he listed on his complaint. *Id.* at 13. The City of North Las Vegas filed a Renewed Motion to Dismiss and Motion for Summary Judgment on May 19, 2016; the Motion for Summary Judgment was refiled separately on May 24, 2016. ECF Nos. 19, 22. The Certificates of Service on these motions state that they were mailed to Steese by first-class mail, postage prepaid, at the address he listed on his complaint. Renewed Mot. Dismiss at 17, ECF

1 No. 19; Mot. Summ. J. at 13, ECF No. 22. Steese has failed to file a response to any of these  
2 motions.

3 On December 31, 2015, a Scheduling Order was granted by Magistrate Judge George  
4 Foley, Jr. ECF No. 15. The Scheduling Order was mailed to Steese at the address he listed on his  
5 Complaint, but was returned to the Court as undeliverable on January 8, 2016. ECF No. 16. In  
6 addition, two separate Minute Orders of the Court issued pursuant to the requirements of Klinge  
7 v. Eikenberry and Rand v. Rowland were returned as undeliverable on June 9, 2016. ECF Nos. 25,  
8 26. Steese has not provided any other mailing address or contact information to the Court. Based  
9 upon the Court's review of the record, the last time Steese contacted the Court or opposing counsel  
10 in connection with this case was on December 16, 2015, when Steese engaged in a Fed. R. Civ. P.  
11 26(f) conference with opposing counsel. ECF No. 14 at 2.

12 Local Rule 7-2(d) provides that "[t]he failure of an opposing party to file points and  
13 authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for  
14 attorney's fees, constitutes a consent to the granting of the motion." In addition, Rule LSR 2-2 of  
15 the Local Rules of Special Proceedings and Appeals provides:

16 The plaintiff shall immediately file with the court written notification of any change  
17 of address. The notification must include proof of service upon each opposing party  
18 or the party's attorney. Failure to comply with this rule may result in dismissal of  
the action with prejudice.

19 By failing to respond to any of Defendants' Motions to Dismiss and by failing to provide  
20 notification to the Court of his change in address, Steese has violated the Court's local rules and  
21 has provided grounds for dismissal of his claims. The Court has reviewed the record in this case  
22 and finds, given Steese's lack of response and the Court's inability to contact him, that maintaining  
23 this action would prejudice Defendants and would interfere with the Court's interest in efficiently  
24 managing its docket. The Court will therefore grant Defendants' Motions to Dismiss. In its  
25 discretion, however, the Court dismisses the case without prejudice.

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1 For the reasons stated above,

2 **IT IS HEREBY ORDERED** that Defendants' Motions to Dismiss (ECF No. 8, ECF No.  
3 10, and ECF No. 19) are GRANTED. This action is DISMISSED WITHOUT PREJUDICE. The  
4 Clerk of Court is instructed to close this case.

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6 **DATED:** July 13, 2016.



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8 **RICHARD F. BOULWARE, II**  
9 **United States District Judge**